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| EXAMINER |
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| KIM, TAE K |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>16 February 2010</u>.

2a)☐ This action is **FINAL.**    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-4,7-9,11,14-19 and 21-26</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,7-9,11,14-19 and 21-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

This is in response to the Applicant's response filed on February 16, 2010.

Claims 1, 2, 17, 22, and 24 have been amended by the Applicant. Claims 12 and 20

have been cancelled by the Applicant. Claims 25 and 26 have been added by the

Applicant. Claims 1 – 4, 7 – 9, 11, 14 – 19, and 21 – 26, where Claims 1, 16, and 18 are

in independent form, are presented for examination.

### *Response to Arguments*

Applicant's arguments filed on February 16, 2010 have been fully considered but

they are not persuasive. Applicant argued:

a)    Regarding <u>Claims 1, 16, and 18</u>, the cited references do not teach or

suggest that the locating is "responsive to at least one of the foreground

color and the background color being a gray-scale color, deeming the

difference between the colors to be negligible based on a comparison of

saturation and brightness values of the colors regardless of hue values of

the colors."

b)    Regarding <u>Claim 2</u>, the cited references do not teach or suggest of

"setting a negligibility threshold such that, when the difference between

the foreground color and background color is below the negligibility

threshold for a certain portion of the electronic message, said portion is

invisible or nearly invisible to a typical human viewer of the electronic

message."

Examiner respectfully disagrees with applicant's assertions.

1.     With regards to a), the Applicant acknowledges that Ralston discloses of removing "hidden" information from a message [See Remarks, Pg. 10, 2nd Para.]. Yet, the Applicant states that Ralston does not provide any further details on "hidden information" or the identification of such information [Id.]. The cited passage specifically gives one example of how to identify "hidden information," such as white text on a white background. "Hidden information" is further described in Ralston as "anything that is not visible to the user when reading the message" [Id.].

The Applicant further argues that Wuyts is "concerned with determining a color code of an object, not with comparing colors" [See Remarks, Pg. 10, 3rd Para.]. The Wuyts reference is used to disclose that the determination of a color or color code comprises of comparing the saturation, hue, and brightness values of the object in question [See Abstract]. Furthermore, Wuyts does compare colors with predetermined reference values to determine the color [Id.].

The Applicant further asserts that Wuyts determines a grey color purely based on its brightness value [See Remarks, Pg. 10, 3rd Para.]. The Applicant selectively cites Col. 4, lines 10-15 to support assertion, while the rest of the paragraph clearly discloses the comparison of saturation value [See Fig. 5, Col. 4, lines 6-10]. While it is accurate that saturation is not taken into account when determining if a color is a particular type of gray, the saturation value is check within the color comparison steps as disclosed above.

Furthermore, the Applicant's specification clearly defines "gray-scale color" as a color "having a saturation of zero percent" [See Spec. Pg. 6, lines 23-24]. The specification further states that a color is either a hue color or a gray-scale color [See Spec. Pg. 6, line 26]. How can the saturation value of various gray-scale colors be compared to each other when all gray-scale color has a saturation of zero percent? Once it is determined to be a gray-scale color, based on the saturation value, brightness must be used to distinguish between various gray-scale colors as indicated in Wuyts [See Fig. 5]. This understanding is further supported by the Applicant's specification stating that brightness is "that attribute of color which measures its position on the white to black scale" [See Spec, Pg. 6, lines 17-22]. The specification further describes the various tones of gray, such as dark gray [Id.]. Given the broadest reasonable interpretation of the claim in light of the specification, the saturation value is compared in the beginning to determine if the color is a gray-scale color. As stated above, Wuyts discloses the comparison of saturation value as indicated above. Without more, the claims do not distinguish over the prior art of record.

2.      With regards to b), Applicant acknowledges that Ralston discloses of removing "hidden" information from a message [See Remarks, Pg. 10, 2nd Para.]. Yet, the Applicant states that Ralston does not provide any further details on "hidden information" or the identification of such information [Id.]. The cited passage specifically gives one example of how to identify "hidden information," such as white text on a white background. "Hidden information" is further described in Ralston as "anything that is not visible to the user when reading the message" [Id.].

The term "negligibility threshold" is not described within the claim as a certain value or to hold a specific definition. The fact that white text on a white background is removed from the email is sufficient to indicate that white text on a white background is below a certain threshold as determined within the Ralston system. Without more, the claims do not distinguish over the prior art of record.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

3.      Claim 2 recites the limitation "the negligibility threshold" where Claim 1 does not disclose of such a limitation or even how to determine, set, or define such a limitation. There is insufficient antecedent basis for this limitation in the claim.

### Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 16, 17, and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

4.      Regarding Claims 16, 17, and 22, in view of Applicant's disclosure, the medium is not limited solely to tangible embodiments [See Spec. Pg. 8, lines 8-14]. The claimed

subject matter, given the broadest reasonable interpretation, may be a carrier wave comprising of instructions and is, therefore, non-statutory. The phrase "such as" does not specifically exclude the use of carrier waves for storing information.

The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. *See In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. *See* MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. *See In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101*, Aug. 24, 2009; p. 2.

To overcome this type of 101 rejection, the claims need to be amended to include only the physical computer media (e.g. *non-transitory* computer readable *storage* medium) and to be unassociated with any transmission media or other intangible or non-functional media.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1 – 3, 7 – 9, 11, 14 – 19, 21 – 23, and 26 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent 6,842,773, invented by Geoffrey D. Ralston et al. (hereinafter "Ralston"), in view of U.S. Patent 5,751,847, invented by Robert Wuyts (hereinafter "Wuyts")**

5.      Regarding <u>Claims 1, 16, and 18</u>, Ralston discloses a method for countering spam that disguises characters within an electronic message<u>, the method implemented on a computer</u> [Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15]<u>, the</u> said method comprising the steps of:

locating portions of the electronic message where the difference between foreground color and background color is negligible<u>, the locating performed by a processor of the computer</u> [Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15; system retrieves email message and removes headers or hidden information in the body of the message, such as white text on a white background or other HTML information]<u>, the locating</u> comprising:

determining whether at least one of the foreground color and the background color is a gray-scale color [[Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15; system retrieves email message and removes headers or hidden information in the body of the message, such as white text on a white background or other HTML information]; and

responsive to at least one of the foreground color and the background

color being a gray-scale color, deeming the difference between the colors to be

negligible [Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15; system retrieves email

message and removes headers or hidden information in the body of the

message, such as white text on a white background or other HTML information];

deleting from the electronic message foreground characters from said portions,

to form a redacted electronic message [[Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15;

system retrieves email message and removes headers or hidden information in the

body of the message, such as white text on a white background or other HTML

information]; and

forwarding the redacted electronic message to a spam filter [[Fig. 7A; Col. 12,

Line 63 - Col. 13, Line 15; the visible text body is loaded into a word array to determine

if the message is unsolicited (spam)].

Ralston, however, does not specifically disclose that the deeming the difference

between the colors to be negligible is based on a comparison of saturation and

brightness values of the colors regardless of hue values of the colors.

Wuyts discloses an image processing method for determining the color or color

code based on the brightness, saturation, and hue levels [Fig. 5; Abstract]. Wuyts

further discloses that the brightness value of the examined color is first determined, then

the saturation value of the examined color to determine if the color is colorless [Fig. 5].

If the color is determined to be colorless, only the brightness level of the color is

evaluated until a specific gray-scale is determined for the examined color; the hue value

is not determined for gray-scale colors [Fig. 5]. Therefore, if either the foreground or background color is a gray-scale color, the Wuyts method would only have determined the brightness and saturation values for that particular foreground and/or background image and a comparison hue values will not be irrelevant.

It would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Wuyts to Ralston by incorporating the method of determining the brightness and saturation values of the evaluated message before the hue values within the converting component to eliminate words that were determined to be essentially invisible in the message. The Wuyts color determination method is implemented in software form and can readily be coded into the converting component of Ralston.

The motivation to do so is to simplify the comparing between the foreground and background color of the message by eliminating the hue value determination when either the foreground or background color is a gray-scale color. Doing so will simplify the comparing process under certain situations to two values instead of three values, which reduces the load on the processor handling this comparison process.

6.      Regarding Claims 2 and 23, Ralston, in view of Wuyts, discloses all the limitations of Claim 1 above. Ralston further discloses of setting a negligibility threshold such that when the difference between foreground color and background color is negligible for a certain portion of the electronic message [Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15; system retrieves email message and removes headers or hidden information in the body of the message, such as white text on a white background or

other HTML information], said portion is invisible or nearly invisible to a typical human

viewer of the electronic message [[Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15; hidden

information is anything that is not visible to the user when reading the message].

7.      Regarding Claims 3, 9, and 17, Ralston, in view of Wuyts, discloses all the

limitations of Claims 1 and 16 above. Wuyts further discloses that, responsive to

neither the foreground color nor the background color being a gray-scale color, the color

determination step includes determining the hue, saturation, and brightness [Fig. 5].

8.      Regarding Claims 7 and 8, Ralston, in view of Wuyts, discloses all the limitations

of Claim 1 above. Neither Ralston nor Wuyts specifically disclose of determining

whether or not the differences in brightness, saturation, or hue between the foreground

and background are negligible based on certain percentages.

    Applicant has failed to seasonably challenge the Examiner's assertions of well

known subject matter in the previous Office action(s) pursuant to the requirements set

forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for

evidence set forth by Applicant in the next response. Accordingly, the claim limitations

the Examiner considered as "well known" in the first Office action, i.e. *the negligibility of

an electronic message can be determined if there are small percentage differences in

the brightness, saturation, and hue of the foreground to the background,"* are now

established as admitted prior art of record for the course of the prosecution. See In re

Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

    Furthermore, the percentage differences in saturation, brightness, and hue to

determine whether or not the text is negligible can vary depending on the designer's

preferences.  To determine if the difference between the foreground and background

color is negligible when: a) the difference in saturation between foreground and

background is less than 5% and the difference in brightness between foreground and

background is less than 4%, or b) the difference in saturation between foreground and

background is less than 3% and the difference in brightness between foreground and

background is less than 2%, would have been a designer's choice in implementing the

system taught by Ralston, in view of Wuyts.

9.      Regarding <u>Claim 11</u>, Ralston, in view of Wuyts, discloses all the limitations of

Claim 9 above.  Neither Ralston nor Wuyts specifically disclose of determining whether

or not the differences in brightness, saturation, or hue between the foreground and

background are negligible based on certain degrees and percentages.

Applicant has failed to seasonably challenge the Examiner's assertions of well

known subject matter in the previous Office action(s) pursuant to the requirements set

forth under MPEP §2144.03.  A "seasonable challenge" is an explicit demand for

evidence set forth by Applicant in the next response.  Accordingly, the claim limitations

the Examiner considered as "well known" in the first Office action, i.e. *"the negligibility of

an electronic message can be determined if there are small percentage differences in

the brightness, saturation, and hue of the foreground to the background,"* are now

established as admitted prior art of record for the course of the prosecution.  See In re

Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

Furthermore, the percentage or degrees of differences in saturation, brightness,

and hue to determine whether or not the text is negligible can vary depending on the

designer's preferences.  To determine if the difference between the foreground and

background color is negligible when the difference in hue between foreground and

background is less than 4 degrees and the combined difference in saturation and

brightness values of the foreground and background is less than 12%, would have been

a designer's choice in implementing the system taught by Ralston, in view of Wuyts.

10.    Regarding Claim 15, Ralston discloses all the limitations of Claim 1 above.

Ralston further discloses that the electronic message consists of e-mail [Fig. 7A; Col.

12, Line 63 - Col. 13, Line 15; system retrieves email message], and the locating step

comprises using a HTML parser [Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15; hidden

information can be white text on a white background or other HTML information].

11.    Regarding Claim 19, Ralston, in view of Wuyts, discloses all the limitations of

Claim 18 above.  Ralston further discloses that the locating step comprises using a

color comparison module [Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15; hidden

information can be white text on a white background].

12.    Regarding Claim 14, Ralston, in view of Wuyts, discloses all the limitations of

Claim 1 above.  Ralston further discloses that the spam filter is responsive to characters

within the electronic message [Fig. 6B and 6D; spam filter screens the message for key

words to determine if the message is unsolicited].

13.    Regarding Claims 21 and 22, Ralston, in view of Wuyts, discloses all the

limitations of Claims 1 and 16 above.  Wuyts further discloses that the saturation value

is compared to a reference value to determine if that particular color is one of gray-scale

color [Fig. 5].  Since the designer of the comparison module in Ralston will determine

the reference value, it would have been the designer's choice to select the reference

value to be so that the saturation value of the examined color is be zero to be

determined to be one of gray-scale color.

14.      Regarding <u>Claim 26</u>, Ralston, in view of Wuyts, discloses all the limitations of

Claim 1 above.  Ralston further discloses of <u>locating color tags in the electronic</u>

<u>message, the color tags specifying foreground and background colors</u> [Fig. 7A; Col. 12,

Line 63 - Col. 13, Line 15; system retrieves email message and removes headers or

hidden information in the body of the message, such as white text on a white

background or other HTML information; white text and white background specifies

foreground and background colors], <u>and dividing the electronic message into portions</u>

<u>based on the color tags, wherein different portions have different foreground or</u>

<u>background colors</u> [Fig. 7A; Col. 12, Line 63 - Col. 13, Line 15; system retrieves email

message and removes headers or hidden information in the body of the message, such

as white text on a white background or other HTML information; "invisible" text is

removed].

        **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Ralston, in view of Wuyts, ,in further view of U.S. Appl. 2002/0113801, filed by**

**Maire Reavy et al. (hereinafter "Reavy").**

15.      Regarding <u>Claim 4</u>, Ralston, in view of Wuyts, discloses all the limitations of

Claim 3 above.  Neither Ralston nor Wuyts, however, specifically discloses that the red,

green, and blue components of the foreground and background colors in the electronic

message are converted into hue, saturation, and brightness values.

Reavy discloses that the hue of the foreground and background must be evaluated, including the red, green and blue components of the background and foreground, to determine the legibility of the text to a user on a display [Fig. 1, items 104 and 106; Para. 0010, 0036, 0037]. It would have been obvious to one skilled in the art at the time of the invention to evaluate the red, green and blue components of the background and foreground to determine the visibility of text within an electronic message. The electronic message would be viewed by a user on a display terminal and the legibility would be determined by the red, green and blue components to determine the hue of the background and foreground comparisons between the foreground and background. This would allow the determination of whether or not the text within the electronic message is visible to the user.

**Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston, in view of Wuyts, ,in further view of U.S. Appl. 2002/0163527, filed by Dong S. Park (hereinafter "Park").**

16.     Regarding Claim 24, Ralston, in view of Wuyts, discloses all the limitations of Claim 2 above. Ralston further discloses of setting a negligibility threshold such that when the difference between foreground color and background color is negligible for a certain portion of the electronic message [Para. 0032; if a word or character is rendered as white or very light grey text on a white background, the word or character is essentially invisible], said portion is invisible or nearly invisible to a typical human viewer of the electronic message [Para. 0033; if these words are included white-on-white color,

the words may make the message less spam-like according to filters and users would

not see them at all].

Wuyts further discloses that the saturation value is compared to a reference

value to determine if that particular color is one of gray-scale color [Fig. 5]. Since the

designer of the comparison module in Ralston will determine the reference value, it

would have been the designer's choice to select the reference value to be so that the

saturation value of the examined color equal zero to be determined to be one of gray-

scale color.

Neither Ralston nor Wuyts, however, specifically disclose of <u>a negligibility</u>

<u>threshold used when the electronic message is displayed on a liquid crystal display</u>

<u>(LCD) monitor is different than a negligibility threshold used when the electronic</u>

<u>message is displayed on a cathode ray tube (CRT).</u>

Park discloses of a system and method for a user to adjust the display

characteristics of a particular monitor based on the type of monitor [Abstract, Figs. 1

and 2]. Park further discloses that the system modifies the brightness and contract

values based on whether the monitor is a LCD monitor or a CRT monitor [Para. 0074,

0075]. It would have been obvious to one skilled in the art at the time of the invention to

incorporate the teachings of Park with Ralston and Wuyts to adjust the filtering system

to the gray-scale colors of either the LCD monitor or the CRT monitor. The motivation

to do so is to adjust the filtering system accordingly to catch "invisible" text since the

images viewed by a user of a LCD monitor are different from other monitors will be

different for LCD monitors versus another type of monitor, such as a CRT.

17.     Regarding Claim 25, Ralston, in view of Wuyts, discloses all the limitations of

Claim 2 above.  Ralston further discloses of setting a negligibility threshold such that

when the difference between foreground color and background color is negligible for a

certain portion of the electronic message [Para. 0032; if a word or character is rendered

as white or very light grey text on a white background, the word or character is

essentially invisible], said portion is invisible or nearly invisible to a typical human viewer

of the electronic message [Para. 0033; if these words are included white-on-white color,

the words may make the message less spam-like according to filters and users would

not see them at all].

Wuyts further discloses that the saturation value is compared to a reference

value to determine if that particular color is one of gray-scale color [Fig. 5].  Since the

designer of the comparison module in Ralston will determine the reference value, it

would have been the designer's choice to select the reference value to be so that the

saturation value of the examined color equal zero to be determined to be one of gray-

scale color.

Neither Ralston nor Wuyts, however, specifically disclose that <u>a negligibility</u>

<u>threshold used when the electronic message is displayed on a liquid crystal display</u>

<u>(LCD) monitor is less than a negligibility threshold used when the electronic message is</u>

<u>displayed on a cathode ray tube (CRT) monitor.</u>

Park discloses that if the monitor color adjusting indicates the display is a CRT

monitor, the brightness and contrast is set to the maximum values through the user

operator part [Para. 0074].  Park further discloses that when the monitor is determined

to be a LCD monitor, the contrast is set up to the minimum using the user operator part

[Para. 0075]. Therefore, Park discloses that the negligibility threshold is less for a LCD

monitor than a CRT monitor. It would have been obvious to one skilled in the art at the

time of the invention to incorporate the teachings of Park with Ralston and Wuyts to

adjust the filtering system to the gray-scale colors of either the LCD monitor or the CRT

monitor. The motivation to do so is to adjust the filtering system accordingly to catch

"invisible" text since the images viewed by a user of a LCD monitor are different from

other monitors will be different for LCD monitors versus another type of monitor, such as

a CRT.

### Conclusion

**Examiner's Note:** Examiner has cited particular figures, columns, line numbers,

and/or paragraphs in the references applied to the claims above for the convenience of

the applicant. Although the specified citations are representative of the teachings of the

art and are applied to specific limitations within the individual claim, other passages and

figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully

requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

### Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979.  The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (571) 272-6776.  The fax phone number for submitting all Official communications is (703) 872-9306.  The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.  Status information for published applications may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished applications is available through Private PAIR only.  For more information about the PAIR system, see http://pair-direct.uspto.gov.  Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


/Tae K. Kim/

Tae K. Kim
Examiner, Art Unit 2453

/Joseph  Thomas/
Supervisory Patent Examiner, Art Unit 2453

May 21, 2010